

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff/Respondent,)
)
v.) No. 1:16-cr-179-DLH-1
)
LONNIE DALE SPOTTED BEAR,)
)
Defendant/Movant.)

DECLARATION OF LONNIE DALE SPOTTED BEAR

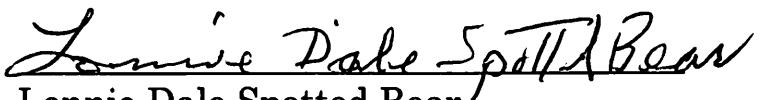
I, Lonnie Dale Spotted Bear, declare under the penalty of perjury that the following is true and correct to the best of my knowledge, information and belief.

- 1) I am the defendant in the above styled cause.
- 2) I was represented by attorney Robert V. Bolinske during plea negotiations, trial and sentencing in the above criminal case.
- 3) Prior to trial, the Government presented a formal plea offer where it would recommend I receive a sentence of no more than two years.
- 4) I discussed the proposed plea agreement with Mr. Bolinske, who advised me that I had a good chance of winning at trial.

- 5) Based on Mr. Bolinske's advice I rejected the Government's plea offer and proceeded to trial.
- 6) As this Court and the Eighth Circuit Court of Appeals stated, the evidence presented against me at trial was overwhelming. Mr. Bolinske failed to advise me of the reality of the likelihood of success at trial, and I was misled to believe that I had a significant probability of acquittal.
- 7) Had I been properly advised by Mr. Bolinske prior to trial, I would have accepted the Government's plea offer.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Signed this 26 day of December, 2019


Lonnie Dale Spotted Bear